

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LIBRADO FORTANEL,  
Plaintiff,  
v.  
C. E. DUCART, et al.,  
Defendants.

Case No. [16-cv-03946-PJH](#)

**ORDER GRANTING EXTENSION;  
DENYING MOTION TO APPOINT  
COUNSEL**

Re: Dkt. No. 41

GOOD CAUSE APPEARING, it is hereby ordered that plaintiff's request for an extension (Docket No. 41) is **GRANTED**. Plaintiff may have until **June 4, 2018**, to file an amended complaint.

Plaintiff has also filed another motion to appoint counsel. There is no constitutional right to counsel in a civil case, *Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981), and although district courts may "request" that counsel represent a litigant who is proceeding in forma pauperis, as plaintiff is here, see 28 U.S.C. § 1915(e)(1), that does not give the courts the power to make "coercive appointments of counsel." *Mallard v. United States Dist. Court*, 490 U.S. 296, 310 (1989).

The Ninth Circuit has held that a district court may ask counsel to represent an indigent litigant only in "exceptional circumstances," the determination of which requires an evaluation of both (1) the likelihood of success on the merits and (2) the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991).

1 Plaintiff has presented his claims adequately, and the issues are not complex. The  
2 motion is **DENIED**.

3 **IT IS SO ORDERED.**

4 Dated: May 4, 2018

A handwritten signature in black ink, appearing to read 'Phyllis J. Hamilton', written over a horizontal line.

PHYLLIS J. HAMILTON  
United States District Judge

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4

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**CERTIFICATE OF SERVICE**


9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on May 4, 2018, I SERVED a true and correct copy(ies) of the attached, by placing  
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.

16  
17 Librado Fortanel ID: J-54101  
18 Deuel Vocational Institution  
19 P.O. Box 600, Cell D-227  
20 Tracy, CA 95378-0600

21 Dated: May 4, 2018

22  
23 Susan Y. Soong  
24 Clerk, United States District Court

25   
26 By: \_\_\_\_\_  
27 Kelly Collins, Deputy Clerk to the  
28 Honorable PHYLLIS J. HAMILTON